

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

<p>JONATHAN D. CLARK SR.,</p> <p>Plaintiff,</p> <p>vs.</p> <p>JOHN GROSS, POLICE OFFICER AT MINNEHAHA POLICE STATION, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; CRYSTAL JOHNSON, STATES ATTORNEY AT MINNEHAHA COURTHOUSE, IN HER INDIVIDUAL AND OFFICIAL CAPACITY; ERIC DOPPENBERG, CORRECTION OFFICER AT MINNEHAHA COUNTY JAIL, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY; AND JUDGE BRAD ZELL, JUDGE AT MINNEHAHA COURTHOUSE, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY;</p> <p>Defendants.</p>	<p>4:15-CV-04068-KES</p> <p>ORDER GRANTING PERMISSION TO TAKE PLAINTIFF CLARK'S DEPOSITION [DOCKET NO. 26]</p>
--	--

This matter is before the court on a complaint filed by Jonathan D. Clark Sr. representing himself *pro se*, alleging claims under 42 U.S.C. § 1983. See Docket No. 1. Mr. Clark is currently living at the Mike Durfee State Prison at Springfield, South Dakota. Id. The district court, the Honorable Lawrence L. Piersol, referred this case to this magistrate judge for management of pretrial motions, either through issuance of an order or a report and recommendation. See 28 U.S.C. § 636(b)(1)(A) and (B).

Defendants have filed a motion for leave of the court to depose plaintiff. See Docket No. 26. Under Federal Rule of Civil Procedure 30(a)(2)(B), leave of

the court is required in order to conduct a deposition of one who is confined in prison. See Fed. R. Civ. P. 30(a)(2)(B). Defendants allege by affidavit that it is necessary to depose plaintiff as he is in possession of the relevant and material facts of his claims. See Docket No. 26. Good cause appearing, it is hereby

ORDERED that defendants' motion for leave to depose Jonathan D. Clark Sr. at the Mike Durfee State Prison [Docket No. 26] is GRANTED. Defendants shall arrange for a date and time for the deposition that is mutually agreeable to both plaintiff and prison officials.

Dated September 21, 2015.

BY THE COURT:

/s/ Veronica L. Duffy

VERONICA L. DUFFY  
UNITED STATES MAGISTRATE JUDGE